Exhibit 9

Declaration of Kevin Hamm,
Founder and President of Happiness & Joy
Foundation

Constance Van Kley
Rylee Sommers-Flanagan
Niki Zupanic
Upper Seven Law
P.O. Box 31
Helena, MT 59624
(406) 306-0330
constance@uppersevenlaw.com
rylee@uppersevenlaw.com
niki@uppersevenlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA BUTTE DIVISION

THE IMPERIAL SOVEREIGN COURT OF THE STATE OF MONTANA; ADRIA JAWORT; RACHEL CORCORAN; MONTANA BOOK COMPANY; IMAGINE BREWING COMPANY, LLC d/b/a IMAGINE NATION BREWING COMPANY; BUMBLEBEE AERIAL FITNESS; MONTANA PRIDE; THE WESTERN MONTANA COMMUNITY CENTER; THE GREAT FALLS LGBTQ+CENTER; THE ROXY THEATER; and THE MYRNA LOY,

Plaintiffs,

vs.

AUSTIN KNUDSEN; ELSIE ARNTZEN; J.P. GALLAGHER; and THE CITY OF HELENA,

Defendants.

Cause No. CV 23-50-BU-BMM

Declaration of Kevin Hamm

I, Kevin Hamm, declare as follows:

- 1. I am over the age of eighteen years, am competent to testify as to the matters set forth herein, and I make this declaration based upon my personal knowledge and belief.
- 2. I am a resident of East Helena, Montana.
- 3. I am the founder and president of the board of directors of the Happiness & Joy Foundation, a domestic nonprofit corporation created in 2014 and headquartered in Helena, Montana.
- The Happiness & Joy Foundation organizes Montana Pride,
 Montana's annual statewide Pride celebration. I have been the chief organizer of Montana Pride since 2014.
- 5. Montana Pride is commemorating 30 years of Pride celebrations in Montana this year.
- 6. Montana Pride celebrates LGBTQ+ pride, acceptance, rights, and achievements. Montana Pride is intended to be a safe space for all individuals, especially those of the LGBTQ+ community.
- 7. Montana Pride is an all-ages celebration, with events designed to be accessible for anyone who wishes to attend. Events are age-

- appropriate, and hosts are deliberate in ensuring the safety of all individuals participating or attending.
- 8. Montana Pride showcases several forms of entertainment and community-centered events, including drag shows, a parade, artisan markets, local business booths, a rally, and educational events.
- 9. Educational events that will be featured this year include an Intersex Q&A, a Death Doula event, and Queer Collaging.
- 10. With more than 15,000 attendees from across the state and country, Montana Pride is the largest Pride event in Montana, a significant tourist attraction, and an economic boon for the Helena region.
- 11. Montana Pride events are held at a variety of small businesses, in public parks, on public streets, and at other venues throughout Helena, over the course of several days.
- 12. This year's Montana Pride events are scheduled to begin on July 30, 2023, and end on August 6, 2023.
- 13. On June 30, 2023, I applied to the City of Helena for the permits necessary for several Montana Pride events to be held on city

- property. I resubmitted these applications on July 13, 2023. A true and accurate copy of the applications are attached as Exhibits A and B to this declaration.
- 14. On July 13, 2023, I met with the City Manager, City Attorney, and other staff of the City of Helena. I was informed that the City of Helena would not issue the requested permits while HB 359 remained in effect and enforceable.
- 15. The Last Chance Gulch event permits I applied for this year are functionally identical to the permits the City of Helena approved last year.
- 16. HB 359 appears to prohibit even the partial exposure of prosthetic or natural breasts and buttocks on public property. People regularly expose these portions of the body in many public places, such as public swimming areas.
- 17. Montana Pride participants regularly wear costumes to celebrate and, because Montana Pride is held in the summertime, many attendees regularly wear clothing that partially exposes breasts and buttocks.

18. As the chief organizer of the Montana Pride events, I am concerned personally about civil and criminal liability under HB 359 and do not know how to limit such liability effectively. I cannot force thousands of attendees to comply with a statesanctioned dress code.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this _____ day of July, 2023, in _____ Helena , Montana.

Kevin Hamm

Exhibit A



City of Helena Special Events Permit Form

The City's online Special Events Permit Application does not have the ability to be saved. Once you start the application, you must complete the form or your work will be lost. Before starting the application please be sure you have:

- Proof of Insurance
- Traffic Control Plan (If your event will be closing a street)
- Emergency Evacuation Plan (If your event's attendees exceeds 250 people)

City code requires all special events, including block parties, acquire special event insurance. The Montana Municipal Interlocal Authority (MMIA) has resources to help residents find insurance providers for their event. More information can be found at the MMIA Special Events Coverage Page.

Acknowledge

Event Coordinator: 225 N Cruse Avenue, Suite B, Helena, MT 59601

Phone: (406) 447-8422

Email: specialevents@helenamt.gov

Deadlines		
Requirement	Time Before Event Begin Date (Days)	
Special Event Permit Application	30 Days	
Alcohol Permit	30 Days	
Traffic Control Requests	14 Days	

▼ Event	
Event Information	
Event Name	Application Date
Montana Pride Banned Brunch	7/13/2023
Event Type	Estimated Number of Attendees

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Other		400			
Drag Show and Street	Brunch				
A Noise Ordinance Per bottom of this form.	mit is required for an ev	ent of this size. The Noi	se Ordinance Perr	mit is appended to the	
Due to the size of your security details.	r event a member of the	Helena Police Departm	ent will be in cont	act regarding event	
Due to the size of you	r event an Emergency E	vacuation Plan is require	d.		
Event Coordinator I	nformation (Person i	n Charge of the Event	·)		
Name		Email			
Kevin Hamm		k@montana	apride.org		
Cell Phone	Cell Phone		Work Phone		
406-417-0070		Vencinent			
Adduses		Address 2			
Address 7 W 6th Ave, Ste 3D		Address 2 Helena MT	Helena, MT 59601		
, w dar, way att 35		Ticleria, TT	33001		
Date / Time Inform	ation				
•					
Does the Event Span MNo	uitipie Days?	O Yes			
- No		103			
Event Date	Start Ti	me	End Time	2	
7/30/2023	8:00 AN	4	4:00 PM		
Event Start Date	Event End Date	Start Time		End Time	
	8/5/2023	8:00 AM		2:00 AM	
Section 46					
Event Date	Start T		End Time		
7/30/2023	8:00 Al	M	4:00 PM		

Other Event Information Proof of Insurance Insurance requirements can be found in Insurance Placeholder for permit the City Code §7-9-5 app.pdf Will your event contain alcohol? An alcohol permit is requried with this application (alcohol permit is included on Yes Nο this form). Will your event take place on the Barricades are required for parades on walking mall? the walking mall. Yes Nο Will your event take place on a Events taking place on a public park public park? require a different application process. Yes No Please contact Heather Kahler at (406) 447-8463 Though not required, the City of Helena encourages recycling when Yes No possible. Will recycling be provided at this event? **Event Security Information** City of Helena Police Agreement Are you seeking police presence for your event? Yes Nο

Location / Traffic Control Information

Traffic control plans should adhere to the following:

- 20 ft. of unobstructed width must remain clear at all times for emergency traffic.
- All signage shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and any City, County, or State requirements.
- Traffic control plans should contain a vicinity map which denotes the entire area impacted by the event.
- Traffic control plans should include details for event wayfinding. Using these principiples will help create good wayfinding.

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- Create an identity at each location.
- Use landmarks to provide orientation clues.
- Create well-structured paths.
- Create regions of differing visual character.
- o Don't give the user too many navigational choices.
- Traffic control plans should show traffic flow by arrows indicating direction and any deviations.
- Traffic control plans should show event access, staging areas, and parking accommodations.
- Traffic control plans should show pedestrian access plans including disabled accessibility.
- Traffic control plans should show emergency access points.
- Traffic control plans should denote the roadways or pedestrian facilities to be closed and where they will be closed.
- Traffic control plans should denote where road closed barricades will be, and the location of advanced warning signs and any other required signs.

Will the event require street closure Yes	es? No				
Location of Event					
Banned Brunch at Front Street					
Street Requiring Closure					
Front Street between 13th & 14th					
Interactive Map					
Area Map	Traffic Control Plan	Emergency Evacuation Plan			
xxpigIY1ZmA	xxpigIY1ZmA	xxpigIY1ZmA			
0a2e-11ee-a27d-	0a2e-11ee-a27d-	0a2e-11ee-a27d-			
0a747911150b.pdf	0a747911150b.pdf	0a747911150b.pdf			
▼ Alcohol Permit					
Alcohol Permit					
General Questions					
Are you a licensed establishAre you allowing consumption	ment permitted to sell alcohol? on of alcohol as the "host"?				
What is your plan for clearly designer containment and signs you plan to		nption is permitted? Please detail all			

The street ends will have road signs blocking, with signage on the inside notifying people of the open container space. The bars will be provided by downtown establishments using their catering licenses to sell into the area.

General Guidelines

When approved, this portion of the document will be your permit. Keep this document available to present if needed.

Event Sponsors must ensure that participants are checked for legal age if served alcohol.

Insurance Requirements

The permit holder must indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City due to any injur to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, prior to the permit being issued, applicant must provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, and which includes alcohol liability coverage, in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured. (Ord. 3252, §5-20-2019).

Acknowledgements

I have read & understand <u>Helena City Code Title 7, Chapter 14</u> and conditions regarding the consumption of alcohol on public right of way.

I have read & understand Helena City Code $\S 5-7-3$ regarding the limitation of noise in City limits If noise is expected to exceed allowable limits, I understand a Noise Permit is required.

I have read & understand <u>Helena City Code §7-14</u> regarding Insurance and Indemnification requirements: The permit holder must indemnify, defend, and hold the City and its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the City due to any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, prior to the permit being issued, applicant must provide proof of applicant's liability insurance issued by a reliable company or companies for personal injury and property damage, and which includes alcohol liability coverage, in an amount not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured.

I have received, read and agree to the alcohol requirements set forth by the City of Helena and applicable state requirements.



tated in the ordinance below. In	y project, special event, parade or party wiis includes parties on private or public pro	
hat exceeds dB limits.		
District / Zones	Limitations: 6:00AM - 11:00PM	Limitations: 11:00PM - 6:00AM
Residential	55 dB (A)	50 db (A)
Commercial	60 dB (A)	55 dB (A)
Industrial	80 dB (A)	75 dB (A)
System Use [Please Do Not Alter	Anything In This Section]	
ent Start Date Variable Field 30/2023		

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Department	Phone Number	Contact Reason
Police Department	(406) 447-8479	Event Security Detail
Transportation Systems	(406) 447-1566	Traffic Control Plan & Area Map
Fire Department	(406) 447-8472	EMS Services, Fire Code Information
Parking Division	(406) 447-8420	Parking Permits, Parking Logistics

Acknowledgement

I acknowledge that I have received, read, and agree to follow above City of Helena Special Event Policies when holding the requested event. My signature below indicates my knowledge of the rules contained in the City of Helena Special Event Guidelines and Policies, that I have authority to legally bind any organization I represent with regard to this application, and that I /my organization agree(s) to comply with said rules.

Application Signature

Director Approval Step

Comments

Insurance to come.

Digitally Signed (email verified)

Kammi McClain

Jul 13, 2023

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Exhibit B



City of Helena Special Events Permit Form

The City's online Special Events Permit Application does not have the ability to be saved. Once you start the application, you must complete the form or your work will be lost. Before starting the application please be sure you have:

- Proof of Insurance
- Traffic Control Plan (If your event will be closing a street)
- Emergency Evacuation Plan (If your event's attendees exceeds 250 people)

City code requires all special events, including block parties, acquire special event insurance. The Montana Municipal Interlocal Authority (MMIA) has resources to help residents find insurance providers for their event. More information can be found at the MMIA Special Events Coverage Page.

Acknowledge

Event Coordinator: 225 N Cruse Avenue, Suite B, Helena, MT 59601

Phone: (406) 447-8422

Email: specialevents@helenamt.gov

Deadlines		
Requirement	Time Before Event Begin Date (Days)	
Special Event Permit Application	30 Days	
Alcohol Permit	30 Days	
Traffic Control Requests	14 Days	

▼ Event	
Event Information	
Event Name	Application Date
Montana Pride	7/13/2023
Event Type	Estimated Number of Attendees

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BlockParty		5000		
A Noise Ordinance Per bottom of this form.	mit is required for an eve	nt of this size. The Noise (Ordinance Permit is appended to the	
Due to the size of you security details.	r event a member of the H	Helena Police Department	will be in contact regarding event	
Due to the size of you	r event an Emergency Eva	ocuation Plan is required.		
Event Coordinator I	nformation (Person in	Charge of the Event)		
Name		Email		
Kevin Hamm		k@montanaprio	de.org	
Cell Phone		Work Phone		
1064170070				
Address		Address 2		
W 6th Ave, Ste 3d			Helena, MT 59601	
Date / Time Inform	ation			
Does the Event Span M	ultiple Days?			
O No		Yes		
Event Date	Start Tim	e	End Time	
	Event End Date	Start Time	End Time	
Event Start Date		0.00.111	11:59 PM	
Event Start Date 7/30/2023	8/5/2023	8:00 AM	11.59 PM	
	8/5/2023	8:00 AM	11.39 FM	
7/30/2023				
	8/5/2023 Start Tin 8:00 AM	ne	End Time 4:00 PM	

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Event Date	Start Tin	ne	End Time
8/5/2023	8:00 AM		2:00 AM
Other Event Information			
Proof of Insurance event descriptions for permits signed copy.pdf			Insurance requirements can be found in the City Code $\S 7-9-5$
Will your event contain alcohol?	• Yes	No	An alcohol permit is requried with this application (alcohol permit is included on this form).
Will your event take place on the walking mall?	O Yes	O No	Barricades are required for parades on the walking mall.
Will your event take place on a public park?	• Yes	O No	Events taking place on a public park require a different application process. Please contact Heather Kahler at (406) 447-8463
Though not required, the City of Helena encourages recycling when possible. Will recycling be provided at this event?	• Yes	No	
Event Security Information			
Are you seeking police presence for your event?	• Yes	O No	City of Helena Police Agreement event descriptions for permits signed copy.pdf

Location / Traffic Control Information

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signs and any other required	d signs.	
Will the event require street closure	es?	
Yes	O No	
Location of Event		
Last Chance Gulch		
Street Requiring Closure		
Street Requiring Closure Last Chance Gulch & 6th Ave		
Last Charice Guich & our Ave		
Interactive Map		
Area Map	Traffic Control Plan	Emergency Evacuation Plan
event descriptions for	event descriptions for	event descriptions for
permits signed	permits signed	permits signed
copy.pdf	copy.pdf	copy.pdf
▼ Alcohol Permit		
Alcohol Permit		
General Questions		
Are you a licensed establish	nent permitted to sell alcohol?	



Are you allowing consumption of alcohol as the "host"?

What is your plan for clearly designating areas where alcohol consumption is permitted? Please detail all containment and signs you plan to use?

for the drag brunch it's the street signs, for the weekend of the parade, we're asking for the downtown to be declared for the weekend per our pdf.

General Guidelines

When approved, this portion of the document will be your permit. Keep this document available to present if needed.

Event Sponsors must ensure that participants are checked for legal age if served alcohol.

Insurance Requirements

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so pormits are required for a re-		
so normite are required for successions		
	project, special event, parade or party w	
ted in the ordinance below. This texceeds dB limits.	includes parties on private or public prop	perty with or without amplified music
strict / Zones	Limitations: 6:00AM - 11:00PM	Limitations: 11:00PM - 6:00AM
sidential	55 dB (A)	50 db (A)
mmercial	60 dB (A)	55 dB (A)
dustrial	80 dB (A)	75 dB (A)
Loud Speakers, Amplifiers for C Yelling or Shouting Animals Exhausts Defect in Vehicle Loading, Unloading, Opening C Construction Projects or Repair Fireworks & Explosives	ontainers	e limitation of noise in City limits. If
	ole limits, I understand a Noise Permit is	
e Ordinance Permit Signature		
stem Use [Please Do Not Alter A	nything In This Section]	
stem Use [Please Do Not Alter A : Start Date Variable Field	nything In This Section]	

Contact Information

Contact Information		
Department	Phone Number	Contact Reason
Police Department	(406) 447-8479	Event Security Detail
Transportation Systems	(406) 447-1566	Traffic Control Plan & Area Map
Fire Department	(406) 447-8472	EMS Services, Fire Code Information
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Application Signature



Director Approval Step

Comments

Insurance to come.

Digitally Signed (email verified)

Kammi McClain

Jul 13, 2023

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